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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,447	02/25/2004	Jun Hosoda	04112 /LH	5646

1933 7590 04/04/2007  
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER
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NEGRON, WANDA M

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/787,447

Applicant(s)

HOSODA ET AL.

Examiner

Wanda M. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (JP Published Application 2001-268413).**

4. Regarding **claim 1**, Sakai discloses a camera device (see drawing 1) comprising an optical system (11a-c), a driving unit which drives the optical system (11d-f), and a control unit (13, 21) which controls the driving unit to move the optical system to a predetermined state, i.e. releasing the collapsible zoom lens (see paragraph [0022]) by activating zoom motor 11d. Sakai, however, does not explicitly disclose that the initialization processing performed by the control unit is based on a startup program, which does not comprise an operating system, and that, after said initialization, the control unit controls the driving unit based on the control program comprising the operating system.

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Official notice is taken that it is old and well known in the art to initialize hardware components in a computerized system using a startup BIOS program, which would also load the operating system after the initialization is completed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a routine in the BIOS to initialize the optical system to a known state before loading the operating system in order to decrease the amount of time required to initialize the camera for recording (see paragraphs [0017] and [0021]).

While it may not be explicitly stated in the reference above that the functionality of an electronic device such as a computer system may be realized by a digital camera, it is well known to a skilled artisan that a digital camera and a computer system are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation.

Even if a digital camera and a computer system are not in the same field of endeavor, which the examiner does not concede, a digital camera and a computer system are reasonably pertinent to solving the problem of controlling the initialization of an optical system before loading an operating system, and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992).

5. Regarding **claim 2**, Sakai discloses a memory (17, 24) which inherently stores the startup BIOS program and control program, and wherein the control unit reads the startup program from the memory, i.e. reading and interpreting

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information that would be inherently required to control the zoom motor 11d, and reads the control program other than the program for startup from the memory, i.e. reading and interpreting information that would be inherently required to control the signal processing means, after making the driving unit start driving of the optical system to the predetermined state by an execution of the program for startup.

Sakai does not explicitly teach that the control unit starts to move the optical system to the predetermined state by the initialization processing based on the startup program, and reads the control program from the memory without waiting a movement of the optical system to the predetermined state. However, Sakai discloses that the problem sought to be solved by his invention is to decrease the amount of time required for the camera to be ready for recording (see paragraphs [0017] and [0021]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the control unit move the optical system to the predetermined state, which is a slow mechanical process, and to read the control program from the memory without waiting a movement of the optical system to the predetermined state in order to decrease the time required for the camera to be ready for recording.

6. Regarding **claim 3**, official notice is taken that it is old and well known to store programs in a memory either continuously or non-continuously. Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to store other control programs continuously after the

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program for startup in order to access said control programs faster decreasing processing time.

7. Method **claim 4** is drawn to the method of using the corresponding apparatus claimed in claims 1. Therefore method claim 4 corresponds to apparatus claim 1 and is rejected for the same reasons of obviousness as used above.

8. **Claim 5** is drawn to a computer program stored in a computer readable medium corresponding to the method claimed in claim 4. Therefore claim 5 corresponds to method claim 4 and is rejected for the same reasons of obviousness as used above.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M. Negrón  
March 29, 2007



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER